

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Plaintiff

Kristin Lynn Wiltz,

Defendant

Order Remanding Divorce Action Back to State Court & Closing Case

Kristin Lynn Wiltz removed her husband’s complaint for divorce from Nevada state family court to this federal court, claiming that this court has “[o]riginal [j]urisdiction under 28 U.S.C. § 1331, and is [a case that] may be removed to this court by defendant pursuant to the provisions of 28 U.S.C. § 1441(b) in that it arises under a treaty of the United States, commonly referred to as Treaty of Greenville.”¹ After reviewing that filing, this court ordered Mrs. Wiltz to show cause in writing by June 18, 2021, why this marriage-dissolution action should not be remanded back to state court for improper removal and lack of subject-matter jurisdiction.² She was warned that her failure to show such cause by the court-ordered deadline would result in this case being remanded without further prior notice.³ That deadline passed without response or a request to extend the deadline to file one.

28 U.S.C. § 1441(a) authorizes defendants to remove to federal court “any civil action brought in a State court of which the [U.S. District Courts] have original jurisdiction” But “[f]ederal courts are courts of limited jurisdiction.”⁴ So a defendant seeking removal jurisdiction

¹ ECF No. 1-1 at 1.

² ECF No. 13.

³ *Id.*

⁴ *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994).

1 “always have the burden of establishing that removal is proper.”⁵ This is a heavy burden to carry
2 because there is a “strong presumption against removal jurisdiction[,]” the removal statute is
3 “strictly construe[d] against removal jurisdiction[,]” and “[f]ederal jurisdiction must be rejected
4 if there is any doubt as to the right of removal in the first instance.”⁶ Because Mrs. Wiltz has
5 failed to carry her burden to demonstrate that removal jurisdiction is proper,

6 IT IS HEREBY ORDERED that the Clerk of Court is directed to **REMAND this case**
7 **back to the Eighth Judicial District Court, Family Division, Case No. D-19-592576-D,**
8 **Department C, and CLOSE THIS CASE.**

9 IT IS FURTHER ORDERED that **all pending motions [ECF Nos. 10, 11, 14, 15, 16]**
10 **are DENIED** as moot.

11 Dated: June 22, 2021

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13 U.S. District Judge Jennifer A. Dorsey
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23 ⁵ *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992).

⁶ *Id.*